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REMARKS

This response is intended as a full and complete response to the non-final Action mailed April 20, 2005.

Claims 1-4, 7-13 and 15-20 are pending.

The Office Action rejected claims 1-4 and 10-13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,986,650 to Ellis et al. ("Ellis").

To anticipate a claim under §102, the reference must teach every element of the claim. This rejection is traversed, because Ellis fails to teach every element of each claim. For example, Ellis fails to teach the claimed pre-allocating a broadcast bandwidth in the communications network for common video sequences to be transmitted by a broadcast technique.

Claim 1 recites, *inter alia*, "pre-allocating a broadcast bandwidth in the communications network for common video sequences to be transmitted by a broadcast technique". Ellis fails to teach the claimed pre-allocating a broadcast bandwidth in the communications network for common video sequences to be transmitted by a broadcast technique. By contrast, Ellis discloses merely "standard broadcast, cablecast, or satellite transmission" of "an input signal 11 [that] is connected to a receiver 12". (Ellis, Figure 1, col. 4, lines 45-67). In other words, no pre-allocating of any broadcast bandwidth is performed. In fact, the input stream is data, not video. (Ellis, col. 4, lines 55-56). Ellis does disclose a "video overlay device 25", but, again, there is no pre-allocating of any broadcast bandwidth, as claimed. (Ellis, col. 6, lines 45-61). Therefore, claim 1 is patentable over Ellis.

Claims 2-4 and 7-9 depend, directly or indirectly from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements. Therefore, claims 2-4 and 7-9 are also patentable over Ellis.

Claim 10 recites, *inter alia*, "predetermining a set of video sequences to be broadcast" and "allocating a broadcast bandwidth within a network with a finite bandwidth for the set of video sequences". For the same reason given with respect to claim 1, claim 10 is patentable over Ellis.

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Claims 11-13 depend, directly or indirectly from claim 10 and, thus, inherit the patentable subject matter of claim 10, while adding additional elements.

Therefore, claims 11-13 are also patentable over Ellis.

The Office Action rejected claims 7-9 and 15-20 under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of U.S. Publication No. 2003/0052905 for Gordon et al. ("Gordon").

To establish a *prima facie* case of obviousness, the combination of references must teach or suggest every claim element of each claim. This rejection is traversed, because the combination of Ellis and Gordon fails to teach or suggest every claim element of each claim. For example, the combination of Ellis and Gordon fails to teach the claimed pre-allocating a broadcast bandwidth in the communications network for common video sequences to be transmitted by a broadcast technique.

Claims 7-9 and 15-20 depend, directly or indirectly from claims 1 and 10 respectively. As shown above with respect to claims 1 and 10, Ellis fails to teach the claimed pre-allocating a broadcast bandwidth in the communications network for common video sequences to be transmitted by a broadcast technique. Furthermore, Gordon also fails to teach such pre-allocating. Therefore, claims 7-9 and 15-20 are patentable over the combination of Ellis and Gordon.

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CONCLUSION

Thus, Applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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